



Reprinted
April 15, 2009

ENGROSSED SENATE BILL No. 525

DIGEST OF SB 525 (Updated April 14, 2009 1:44 pm - DI 87)

Citations Affected: IC 5-22; IC 20-20.

Synopsis: Purchasing. Provides that a contract entered into by a state agency may require the contractor to offer to political subdivisions the services, supplies, or transportation equipment (including buses) that are the subject of the contract under conditions specified in the contract. Requires a political subdivision, if a procurement is \$150,000 or more, to consult at least two purchasing cooperatives (if at least two purchasing cooperatives exist), before purchasing a service, supply, or item of equipment, and to maintain records of the consultations. Creates the Comer school development program. Provides for the establishment of pilot programs to benefit at risk students at public schools having certain characteristics, and requires a pilot program to include professional development for teachers, curriculum development, and other elements. Establishes the school development pilot program fund to provide grants to enable participating school corporations to establish and operate pilot programs.

Effective: July 1, 2009.

Lubbers, Kruse

(HOUSE SPONSORS — PORTER, BEHNING, OXLEY, RIECKEN)

January 15, 2009, read first time and referred to Committee on Education and Career Development.

February 19, 2009, amended, reported favorably — Do Pass.

February 23, 2009, read second time, ordered engrossed. Engrossed.

February 24, 2009, read third time, passed. Yeas 49, nays 1.

HOUSE ACTION

March 2, 2009, read first time and referred to Committee on Government and Regulatory Reform.

April 7, 2009, amended, reported — Do Pass.

April 14, 2009, read second time, amended, ordered engrossed.

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ES 525—LS 7589/DI 73+



Reprinted
April 15, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 525

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-22-17-9 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. **(a)** A contract
3 entered into by a state agency may require the contractor to offer to
4 political subdivisions the services, ~~or~~ supplies, **or transportation**
5 **equipment, including buses**, that are the subject of the contract under
6 conditions specified in the contract.
- 7 **(b) This subsection applies only to a procurement of one**
8 **hundred fifty thousand dollars (\$150,000) or more. Before making**
9 **a procurement decision, a political subdivision must consult:**
- 10 **(1) at least two (2) cooperative purchasing organizations that**
11 **offer; or**
12 **(2) if only one (1) cooperative purchasing organization exists,**
13 **one (1) cooperative purchasing organization that offers;**
14 **the same or similar services, supplies, or equipment that the**
15 **political subdivision intends to purchase. A political subdivision**

ES 525—LS 7589/DI 73+



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shall maintain records of the cooperative purchasing organizations consulted under this subsection, including for each procurement decision the price of the same or similar service, supply, or equipment offered by the cooperative purchasing organization, with other relevant documents that support the political subdivision's procurement determination. The records and documents are public records and are subject to review by the state board of accounts.

SECTION 2. IC 20-20-37 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 37. The Comer School Development Program and Fund

Sec. 1. As used in this chapter, "fund" refers to the Comer school development program fund established by section 10 of this chapter.

Sec. 2. (a) There is established the Comer school development program.

(b) The Comer school development program shall target at risk students enrolled in schools that have the following characteristics:

(1) A public urban school.

(2) A public school in which:

(A) at least fifty percent (50%) of the students who were enrolled at that school building during the prior school year qualified for free or reduced price lunches under guidelines established under 42 U.S.C. 1758(b); and

(B) lunches are served to students.

(3) A public school in which at least ten percent (10%) of the teachers:

(A) hold a limited license to teach; or

(B) teach outside their licensed areas.

Sec. 3. The department may contract with a state educational institution to establish pilot programs targeting schools with characteristics set forth in section 2(b) of this chapter.

Sec. 4. In establishing pilot programs under this chapter, the department, in collaboration with a state educational institution located within the same county as a school described in section 2(b) of this chapter, shall focus on implementing programs that enable the local school corporations, appropriate community agencies, nonprofit entities, and colleges and universities to cooperate with each other.

Sec. 5. A pilot program established under this chapter shall include, but is not limited to, the following:

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- (1) Professional development for teachers.
- (2) Curriculum development and oversight.
- (3) Development of support systems that promote student learning and overall development.
- (4) Community involvement.
- (5) Significant matching funds from nonprofit entities or businesses.
- (6) Parental participation.

Sec. 6. The department, in collaboration with a state educational institution:

- (1) shall select certain school corporations to participate in pilot programs established under this chapter; and
- (2) may not select under subdivision (1) a school corporation that, on June 30, 2009, is already participating in a pilot program as described in section 5 of this chapter.

Sec. 7. A school corporation selected or seeking to be selected to participate in a pilot program under this chapter may enter into an agreement with a nonprofit entity, college, or university to provide services to the school corporation in connection with the pilot program.

Sec. 8. The department, in collaboration with a state educational institution, shall develop guidelines necessary to implement this chapter.

Sec. 9. Each school corporation that participates in a pilot program under this chapter shall prepare a written report detailing all of the pertinent information concerning the implementation of the pilot program, including any:

- (1) recommendations made as a result of; and
- (2) conclusions drawn from;

the pilot program. The school corporation shall submit the report to the department.

Sec. 10. (a) The Comer school development program fund is established to provide grants to enable participating school corporations to establish and operate pilot programs under this chapter.

(b) The fund consists of the following:

- (1) Gifts to the fund.
- (2) Appropriations from the general assembly.
- (3) Grants, including grants from private entities.
- (4) Any combination of the resources described in subdivisions (1), (2), and (3).

(c) The department shall administer the fund.

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(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. The treasurer of state shall deposit in the fund the interest that accrues from the investment of the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 11. (a) To be eligible for a grant under this chapter:

(1) a school corporation; or

(2) two (2) or more school corporations acting under a joint agreement;

must timely apply to the department for a grant on forms provided by the department.

(b) An applying school corporation must include at least the following information in the school corporation's application:

(1) A detailed description of the proposed pilot program format.

(2) The extent to which the applying school corporation intends to include appropriate community resources not directly affiliated with the applying school corporation in the pilot program.

(3) A statement of and any supporting information concerning the need to establish the pilot program as perceived by the applying school corporation.

(4) The estimated cost of implementing the pilot program.

(5) Any other pertinent information required by the department in collaboration with the state educational institution with which the department enters into a contract under section 3 of this chapter.

Sec. 12. This chapter expires June 30, 2014.

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 525, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Page 1, line 5, delete "system" and insert **"systems"**.

Page 1, line 8, after "state" insert **"and other cooperative purchasing entities or efforts"**.

Page 1, line 8, after "be" insert **"encouraged and"**.

Page 1, line 13, delete "Notwithstanding IC 20-27-4 or any other provision, the" and insert **"Before making a procurement decision, a political subdivision must consult:**

(1) at least two (2) cooperative purchasing organizations that offer; or

(2) if only one (1) cooperative purchasing organization exists, one (1) cooperative purchasing organization that offers; the same or similar services, supplies, or equipment for purchase. A political subdivision shall maintain records of the cooperative purchasing organizations consulted, including the price of the same or similar service, supply, or equipment, with other relevant documents that support the procurement determination. The records and documents are public records and subject to review by the state board of accounts."

Page 1, delete lines 14 through 15.

Delete pages 2 through 5.

and when so amended that said bill do pass.

(Reference is to SB 525 as introduced.)

LUBBERS, Chairperson

Committee Vote: Yeas 11, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Senate Bill 525, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, delete "The general".

Page 1, delete lines 3 through 10.

Page 1, line 11, delete "(b)".

Page 1, run in lines 2 through 11.

Page 1, delete line 15 and insert:

"SECTION 2. IC 20-20-37 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 37. The Comer School Development Program and Fund

Sec. 1. As used in this chapter, "fund" refers to the Comer school development program fund established by section 10 of this chapter.

Sec. 2. (a) There is established the Comer school development program.

(b) The Comer school development program shall target at risk students enrolled in schools that have the following characteristics:

(1) A public urban school.

(2) A public school in which:

(A) at least fifty percent (50%) of the students who were enrolled at that school building during the prior school year qualified for free or reduced price lunches under guidelines established under 42 U.S.C. 1758(b); and

(B) lunches are served to students.

(3) A public school in which at least ten percent (10%) of the teachers:

(A) hold a limited license to teach; or

(B) teach outside their licensed areas.

Sec. 3. The department may contract with a state educational institution to establish pilot programs targeting schools with characteristics set forth in section 2(b) of this chapter.

Sec. 4. In establishing pilot programs under this chapter, the department, in collaboration with a state educational institution located within the same county as a school described in section 2(b) of this chapter, shall focus on implementing programs that enable the local school corporations, appropriate community agencies, nonprofit entities, and colleges and universities to cooperate with each other.

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Sec. 5. A pilot program established under this chapter shall include, but is not limited to, the following:

- (1) Professional development for teachers.**
- (2) Curriculum development and oversight.**
- (3) Development of support systems that promote student learning and overall development.**
- (4) Community involvement.**
- (5) Significant matching funds from nonprofit entities or businesses.**
- (6) Parental participation.**

Sec. 6. The department, in collaboration with a state educational institution:

- (1) shall select certain school corporations to participate in pilot programs established under this chapter; and**
- (2) may not select under subdivision (1) a school corporation that, on June 30, 2009, is already participating in a pilot program as described in section 5 of this chapter.**

Sec. 7. A school corporation selected or seeking to be selected to participate in a pilot program under this chapter may enter into an agreement with a nonprofit entity, college, or university to provide services to the school corporation in connection with the pilot program.

Sec. 8. The department, in collaboration with a state educational institution, shall develop guidelines necessary to implement this chapter.

Sec. 9. Each school corporation that participates in a pilot program under this chapter shall prepare a written report detailing all of the pertinent information concerning the implementation of the pilot program, including any:

- (1) recommendations made as a result of; and**
- (2) conclusions drawn from;**

the pilot program. The school corporation shall submit the report to the department.

Sec. 10. (a) The Comer school development program fund is established to provide grants to enable participating school corporations to establish and operate pilot programs under this chapter.

(b) The fund consists of the following:

- (1) Gifts to the fund.**
- (2) Appropriations from the general assembly.**
- (3) Grants, including grants from private entities.**
- (4) Any combination of the resources described in**

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subdivisions (1), (2), and (3).

(c) The department shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. The treasurer of state shall deposit in the fund the interest that accrues from the investment of the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 11. (a) To be eligible for a grant under this chapter:

(1) a school corporation; or

(2) two (2) or more school corporations acting under a joint agreement;

must timely apply to the department for a grant on forms provided by the department.

(b) An applying school corporation must include at least the following information in the school corporation's application:

(1) A detailed description of the proposed pilot program format.

(2) The extent to which the applying school corporation intends to include appropriate community resources not directly affiliated with the applying school corporation in the pilot program.

(3) A statement of and any supporting information concerning the need to establish the pilot program as perceived by the applying school corporation.

(4) The estimated cost of implementing the pilot program.

(5) Any other pertinent information required by the department in collaboration with the state educational institution with which the department enters into a contract under section 3 of this chapter.

Sec. 12. This chapter expires June 30, 2014."

Page 2, delete lines 1 through 12.

and when so amended that said bill do pass.

(Reference is to SB 525 as printed February 20, 2009.)

BARTLETT, Chair

Committee Vote: yeas 7, nays 5.

ES 525—LS 7589/DI 73+



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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 525 be amended to read as follows:

Page 1, line 2 , after "9." insert "(a)".

Page 1, between lines 6 and 7, begin a new paragraph and insert:

"(b) This subsection applies only to a procurement of one hundred fifty thousand dollars (\$150,000) or more. Before making a procurement decision, a political subdivision must consult:

(1) at least two (2) cooperative purchasing organizations that offer; or

(2) if only one (1) cooperative purchasing organization exists, one (1) cooperative purchasing organization that offers; the same or similar services, supplies, or equipment that the political subdivision intends to purchase. A political subdivision shall maintain records of the cooperative purchasing organizations consulted under this subsection, including for each procurement decision the price of the same or similar service, supply, or equipment offered by the cooperative purchasing organization, with other relevant documents that support the political subdivision's procurement determination. The records and documents are public records and are subject to review by the state board of accounts."

(Reference is to ESB 525 as printed April 7, 2009.)

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